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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,508	06/19/2001	Jeffrey A. Bedell	53470.003042	8696
7590	07/06/2004		EXAMINER ZHEN, LIB	
Brian M. Buroker Hunton & Williams Suite 1200 1900 K Street, N.W. Washington, DC 20006-1109			ART UNIT 2126	PAPER NUMBER 6
DATE MAILED: 07/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/883,508	BEDELL ET AL. <i>[Signature]</i>
	Examiner	Art Unit 2126
	Li B. Zhen	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM

#### THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 June 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4.5</u> .	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1 – 18 are pending in the application.

***Claim Rejections - 35 USC § 101***

2. Claims 1 – 9 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

3. Claims 1 – 9 are directed to method steps which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, *inter alia*, managing, receiving, identifying, determining, causing, comparing and selecting, can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process [see MPEP 2106]. Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change “method” to “computer implemented method” in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 10 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by "MicroStrategy Administrator" Version 6.0 (hereinafter MicroStrategy) published on October 1999. This reference was cited in Information Disclosure Statement submitted on September 30, 2002.**

6. As to claim 1, MicroStrategy teaches a method for managing groups of objects [MicroStrategy Object Manager enables you to move objects easily by using familiar drag-and-drop and cut-and-paste actions; p. 27, 1<sup>st</sup> paragraph] for use in a reporting system project [EIS contains reporting modules; p. 94] comprising the steps of:  
receiving a command [copying and moving objects] to perform a selected function on a selected object [MicroStrategy Object Manager allows you to open more than one project at a time, which makes it easy for you to transfer items between open project; p. 28, 1<sup>st</sup> paragraph];  
identifying dependent objects referred to by the selected object [finding object dependencies; p. 58 – 60];  
determining an appropriate manner of executing the selected function [Click Copy on the dialog bar. Then highlight a selection and click Paste on the dialog bar to copy over the selection; p. 28, 4<sup>th</sup> paragraph];  
determining appropriate functions to be performed on the dependent objects [sometimes when moving or copying an object with child objects, the child objects need to be copied as well; p. 28, 3<sup>rd</sup> paragraph];

causing the appropriate functions to be performed on the dependent objects

[MicroStrategy Object Manager will need to create one or more folders in the destination to hold the child objects; p. 28, 3<sup>rd</sup> paragraph]; and

causing the execution of the selected function in the appropriate manner

[MicroStrategy Object Manager checks to see whether an object of the same name already exists; if not, the copy operation is completed; p. 29, 1<sup>st</sup> – 3<sup>rd</sup> paragraphs].

7. As to claim 10, this is a system claim that corresponds to method claim 1; note the rejection to claim 1 above, which also meet this system claim.

8. As to claim 18, this is a product claim that corresponds to method claim 1; note the rejection to claim 1 above, which also meet this product claim.

9. **Claims 1, 3 – 5, 10 – 12 and 16 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent NO. 5,854,932 to Mariani.**

10. As to claim 1, Mariani teaches a method for managing groups of objects [source code files 60 and header files] for use in a reporting system project [a development environment 52 which includes various tools 54 for creating, editing, and compiling source code files 60 and header files 62 for a user's programming project; col. 7, line 60 – col. 8, line 7] comprising the steps of:

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receiving a command [modify] to perform a selected function on a selected object

[With the editors 70, the user can directly modify or add C++ statements to the source code files 60 and header files 62; col. 8, lines 7 – 22];

identifying dependent objects referred to by the selected object [for each of the object code files 82...the minimal rebuild system 100 generates dependency information...consisting of a set of classes...on which the respective object code file depends, and a set of dependency types...of the object code file on each class in the set; col. 12, lines 27 – 67];

determining an appropriate manner of executing the selected function [minimal rebuild system 100 determines when recompiling can be avoided by determining how the object code files 82 are dependent on the header files 62; col. 9, lines 1 – 15];

determining appropriate functions to be performed on the dependent objects [minimal rebuild system 100 selectively recompiles the source code files 60...so as to detect changes to all header files 62...that were changed since the last build of the project. The minimal rebuild system 100 then utilizes the detected changes to the header files 62 to determine which of the remaining source code files 60 to recompile and which recompiles can be avoided; col. 17, lines 18 – 30];

causing the appropriate functions to be performed on the dependent objects [omit compiling selected source file and resave object file, step 174, Fig. 6B; compile selected source file into object file, step 176, Fig. 6B; col. 19, lines 33 – 67]; and

causing the execution of the selected function in the appropriate manner [minimal rebuild system 100 first recompiles the source code files that were changed since the user's project was last built; col. 17, lines 30 – 43].

11. As to claim 10, this is a system claim that corresponds to method claim 1; note the rejection to claim 1 above, which also meet this system claim.

12. As to claim 18, this is a product claim that corresponds to method claim 1; note the rejection to claim 1 above, which also meet this product claim.

13. As to claim 3, Mariani teaches the step of causing the appropriate functions to be performed on the dependent objects is performed prior to the step of causing the execution of the selected function in the appropriate manner [minimal rebuild system 100 reorders this list to place any source code files 60 that have changed since the user's project was last rebuilt first in the list; col. 17, lines 43 – 65].

14. As to claim 4, Mariani teaches the objects are grouped in projects and the selected function relates to manipulating objects within and between projects [For use in creating and editing the source code files 60 and header files 62 of the user's project, the development tools 54 of the environment 52 comprise one or more editors 70, and automated source code generators 72; col. 8, lines 7 – 22] and wherein within each project each object has a unique identifier [search for a name in the scope of the class;

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col. 13, lines 25 – 50] and a version identifier [date and time of the last change made to the header files; col. 10, lines 8 – 45].

15. As to claim 5, Mariani teaches comparing dependent objects at a source and objects at a destination to determine whether an object at the destination exists in an identical form to each of the dependent objects at the source and whether an object at the destination exists in a modified form to each of the dependent objects at the source [minimal rebuild system 100 preferably determines which of the header files 62 were changed since the project was last built by comparing the date stamps of the header files to their last known date stamps; col. 18, lines 34 – 48] and determining, based on the step of comparing, which dependent object to copy from the source to the destination such that the selected object remains complete after execution of the selected function in the appropriate manner [the minimal rebuild system 100 selects the next source code file in the list that is not yet recompiled. At step 171, the minimal rebuild system 100 checks whether the object code file that was compiled in a previous build of the project from the selected source code file still exists; col. 19, lines 7 – 32].

16. As to claim 11, Mariani teaches the operational module interfaces [classes for interfacing with database management systems; col. 8, lines 23 – 43] with projects that reside in various environments [Class dependency information is similarly reduced for manually generated projects that use a class library; col. 12, lines 28 – 67].

17. As to claim 12, this is rejected for the same reasons as claim 3 above.

18. As to claims 16 and 17, these are rejected for the same reasons as claim 5 above.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. **Claims 2, 6 – 9 and 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mariani in view of U.S. Patent NO. 6,112,024 to Almond.**

21. As to claim 2, Mariani does not teach the selected object is contained in metadata of an on-line analytical processing system.

However, Almond teaches an object cycle versioning system [col. 2, lines 39 – 52] and an object contained in metadata [maps an object into a meta model which facilitates version control; col. 3, lines 1 – 54 and col. 6, lines 40 – 67] of an on-line analytical processing program [View reports--quickly view project activity status; col. 39, lines 15 – 39].

22. It would have been obvious to a person of ordinarily skilled in the art at the time of the invention to apply the teaching of storing an object in metadata of an on-line

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analytical processing system as taught by Almond to the invention of Mariani because this map objects to representations and allow operations supported by the system for versioning will execute correctly even if the objects are stored in a format other than a relational database, such as an object-oriented database, a file server, or other storage system [col. 3, lines 3 – 10 of Almond].

23. As to claim 6, Mariani as modified teaches the step of receiving is a step of receiving a command to copy a selected object from a source project to a destination project [Get--copy one or multiple objects to the user's local directory; col. 39, lines 16 – 39 of Almond].

24. As to claim 7, Mariani as modified teaches the unique identifier [search for a name in the scope of the class; col. 13, lines 25 – 50 of Mariani] and version identifier [date and time of the last change made to the header files; col. 10, lines 8 – 45 of Mariani] of objects in the source project are similar to the unique identifier and version identifier of objects in the destination project [minimal rebuild system 100 preferably determines which of the header files 62 were changed since the project was last built by comparing the date stamps of the header files to their last known date stamps; col. 18, lines 34 – 48 of Mariani].

25. As to claim 8, Mariani as modified teaches comparing unique identifiers [search for a name in the scope of the class; col. 13, lines 25 – 50 of Mariani] and version

identifiers [date and time of the last change made to the header files; col. 10, lines 8 – 45 of Mariani], whether the selected object exists in the destination project in an identical form and whether the selected object exists in the destination project in a modified form [minimal rebuild system 100 preferably determines which of the header files 62 were changed since the project was last built by comparing the date stamps of the header files to their last known date stamps; col. 18, lines 34 – 48 of Mariani]; and selecting whether to copy the selected object from the source project to the destination project [Get--copy one or multiple objects to the user's local directory; col. 39, lines 16 – 39 of Almond], to replace an object in the destination project with the selected object [compile selected source file into object file, step 176, Fig. 6B; col. 19, lines 33 – 67 of Mariani], and to keep an object in the destination project as is [omit compiling selected source file and resave object file, step 174, Fig. 6B; col. 19, lines 33 – 67 of Mariani].

26. As to claim 9, Mariani as modified teaches the step of selecting includes prompting the user for a selection [user can directly modify or add C++ statements to the source code files 60 and header files 62; col. 8, lines 7 – 23 of Mariani].

27. As to claim 13, Mariani as modified teaches the operation module interfaces [RPC interface allows the system to surface an Object Cycle API...for development system clients; col. 2, lines 39 – 54 of Almond] with projects of an on-line analytical

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processing system [View reports--quickly view project activity status; col. 39, lines 15 – 39 of Almond].

28. As to claim 14, Mariani as modified teaches the operational module, upon receiving a user command to copy the selected object from a source project to a destination project [Get--copy one or multiple objects to the user's local directory; col. 39, lines 16 – 39 of Almond], determines, by comparing the unique identifiers [search for a name in the scope of the class; col. 13, lines 25 – 50 of Mariani] and the version identifiers [date and time of the last change made to the header files; col. 10, lines 8 – 45 of Mariani], whether the selected object exists in the destination project in an identical form and whether the selected object exists in the destination project in a modified form [minimal rebuild system 100 preferably determines which of the header files 62 were changed since the project was last built by comparing the date stamps of the header files to their last known date stamps; col. 18, lines 34 – 48 of Mariani].

29. As to claim 15, Mariani as modified teaches the operational module communicates with the user interface to select whether to copy the selected object from the source project to the destination project [Get--copy one or multiple objects to the user's local directory; col. 39, lines 16 – 39 of Almond], to replace an object in the destination object with the selected object [compile selected source file into object file, step 176, Fig. 6B; col. 19, lines 33 – 67 of Mariani], and to keep an object in the

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destination project as is [omit compiling selected source file and resave object file, step 174, Fig. 6B; col. 19, lines 33 – 67 of Mariani].

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent NO. 6,167,563 to Fontana teaches a method for building or modifying software components inside a computer system and updating all dependent components automatically in a manner transparent to the user and the computer system.

U.S. Patent NO. 6,385,768 to Ziebell teaches managing the development and release of software programs and more particularly to a change control mechanism for selectively releasing changes to software programs.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen  
Examiner  
Art Unit 2126

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June 25, 2004

  
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